

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

LILY C. SMITH,

*

Plaintiff,

*

vs.

*

CASE NO. 3:17-CV-128 (CDL)

ADVANTAGE BEHAVIORAL HEALTH
SYSTEMS and GEORGIA DEPARTMENT
OF COMMUNITY HEALTH,

*

*

Defendants.

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O R D E R

Having reviewed the parties' motions for summary judgment, the Court finds that genuine factual disputes exist regarding Plaintiff's interference claim asserted pursuant to the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.*, and accordingly, the parties' motions for summary judgment (ECF Nos. 62 & 70) are denied regarding that claim. *See generally* Fed. R. Civ. P. 56(a) (summary judgment may be granted only "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law"). The Court does find, however, that no genuine factual dispute exists regarding Defendant Advantage's compliance with the Public Health Service Act, 42 U.S.C. § 300bb-1, *et seq.*, and summary judgment is accordingly granted in favor of Advantage as to that claim (ECF No. 62). *Id.* In light of these rulings, it is clear that Plaintiff's motion for

sanctions (ECF No. 73) must be, and is hereby, denied. Lastly, the Court denies Advantage's renewal of its motion for sanctions (ECF No. 63), finding that Plaintiff's conduct does not warrant the extreme sanction of dismissal of her FMLA interference claim.

IT IS SO ORDERED, this 31st day of May, 2019.

S/Clay D. Land

CLAY D. LAND

CHIEF U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA